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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

TO:	FROM:
Mail Stop AF Examiner Jeffrey Gerben Hoekstra	Jason D. Kelly
COMPANY:	DATE:
U.S. Patent & Trademark Office	JULY 2, 2008
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	14
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
571-272-7232	1023-362US01
RE:	APPLICATION SERIAL NUMBER:
Response to Final Office Action dated May 6, 2008	10/825,955

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Applicant: Kenneth T. Heruth; Confirmation No. 8230
Keith A. Miesel
Serial No.: 10/825,955
Filed: April 15, 2004 Customer No.: 28863
Examiner: Jeffrey Gerben Hoekstra
Group Art Unit: 3736
Docket No.: 1023-362US01
Title: COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA
A MEDICAL DEVICE

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on July 2, 2008.

By: Shirley A. Betlach
Name: Shirley A. Betlach

Mail Stop AF
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing
☒ Amendment (12 pgs.)
☒ No additional fee is required

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: 7-2-08

By: Jason D. Kelly
Name: Jason D. Kelly
Reg. No.: 54,213

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RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3736**

**PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	8230
Serial No.:	10/825,955		
Filed:	April 15, 2004	Customer No.:	28863
Examiner:	Jeffrey Gerben Hoekstra		
Group Art Unit:	3736		
Docket No.:	1023-362US01		
Title:	COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA A MEDICAL DEVICE		

AMENDMENT

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed May 6, 2008, the period of response for which runs through August 6, 2008, please amend the application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 8 of this paper.